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PROVISIONAL AGENDA, ANNOTATIONS THERETO AND SCHEDULING OF MEETINGS OF THE TWENTY-SEVENTH SESSION

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II. ANNOTATIONS TO THE PROVISIONAL AGENDA

Item 1. Opening of the session

The twenty-seventh session will be held at the United Nations Headquarters, New York from 31 May to 17 June 1994. The session will be opened on Tuesday, 31 May 1994, at 10:30 a.m. The Commission is composed of the following member States: Argentina, Austria, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Denmark, Ecuador, Egypt, France, Germany, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Kenya, Mexico, Morocco, Nigeria, Poland, Russian Federation, Saudi Arabia, Singapore, Slovakia, Spain, Sudan, Thailand, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, and Uruguay.

Item 2. Election of officers

Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairman, three Vice-Chairmen and a Rapporteur.

Item 3. Adoption of the agenda

It is suggested that all items be considered in plenary.

Item 4. New international economic order: Procurement

(a) UNCITRAL Model Law on Procurement of Goods and Construction; and Guide to Enactment of that Law

The Commission, at its twenty-sixth session (1993), adopted the UNCITRAL Model Law on Procurement of Goods and Construction (as reproduced in annex I of document A/48/17). As requested by the Commission at that session, the Secretariat has finalized the Guide to Enactment of that Model Law (A/CN.9/393).

(b) Procurement of services

The Commission, at its twenty-sixth session (1993), entrusted the Working Group on the New International Economic Order with the preparation of model statutory provisions on procurement of services. The Working Group considered draft amendments to the UNCITRAL Model Law to incorporate procurement of services at its sixteenth session (Vienna, 6-17 December 1993) and at its seventeenth session (New York, 14-25 March 1994). The Commission will have before it the reports of those sessions (A/CN.9/389 and 392, respectively); the draft text of the provisions to be reviewed by the Commission, with a view towards its adoption, is contained in the annex to document A/CN.9/392.

The Commission will also have before it a note by the Secretariat suggesting amendments to the Guide to Enactment of the Model Law on Procurement that would cover procurement of services (A/CN.9/394).

Item 5. International commercial arbitration: draft Guidelines for Preparatory Conferences in Arbitral Proceedings

The Commission, at its twenty-sixth session (1993), decided to prepare guidelines for pre-hearing conferences in arbitration; at such conferences procedural decisions are taken or procedural agreements entered into so as to make the subsequent proceedings more predictable and efficient (A/48/17, paras. 291-296).

The Commission will have before it a draft of such guidelines (A/CN.9/396 and Add. 1), which it may wish to review and possibly adopt at the twenty-seventh session.

Item 6. Electronic data interchange

At its twenty-fifth session (1992), the Commission entrusted the preparation of legal rules on electronic data interchange (EDI) to the Working Group on International Payments, which it renamed the Working Group on Electronic Data Interchange (A/47/17, para. 147). The Working Group commenced its work at its twenty-fifth session (New York, 4 to 15 January 1993). The Working Group held its twenty-sixth session from 11 to 22 October 1993 at Vienna and its twenty-seventh session from 28 February to 11 March 1994 in New York. The Commission will have before it the reports of the Working Group (A/CN.9/387 and 390, respectively).

At the end of its twenty-seventh session, the Working Group engaged in a preliminary exchange of views as to whether further legal issues relevant to the increased use of EDI and related means of data communication should be drawn to the attention of the Commission and considered for future work upon completion of the current project. The discussion and the recommendation to the Commission are reflected in the report of the Working Group (A/CN.9/390, paras. 154-160).

Item 7. International contract practices: draft Convention on Independent Guarantees and Stand-by Letters of Credit

The Commission, at its twenty-second session (1989), decided that work on a uniform law on guarantees and stand-by letters of credit should be undertaken (A/44/17, para. 244). The Working Group on International Contract Practices commenced its work on this topic at its thirteenth session. The Working Group held its twentieth session from 22 November to 3 December 1993 at Vienna and its twenty-first session from 14 to 25 February 1994 at New York. The Commission will have before it the reports of the Working Group (A/CN.9/388 and 391, respectively).

Item 8. Case law on UNCITRAL texts (CLOUT)

Based on a decision by the Commission at its twenty-first session (A/43/17, paras. 98-109), the UNCITRAL secretariat has established a system for collecting, and disseminating information on, court decisions and arbitral awards relating to normative texts emanating from the work of the Commission. The system relies on National Correspondents designated by the States adhering to an UNCITRAL Convention or having enacted legislation based on an UNCITRAL Model Law. The features of that system are explained in the User Guide (A/CN.9/SER.C/GUIDE/1). Abstracts of court decisions relating to the United Nations Sales Convention and the UNCITRAL Model Arbitration Law are contained in documents A/CN.9/SER.C/ABSTRACTS/1, 2 and 3.

Item 9. Possible future work

(a) Assignment of claims

At its twenty-sixth session, the Commission considered a note by the Secretariat (A/CN.9/378/Add.3) containing a brief discussion of certain legal problems in the area of assignment of claims and of past and current work on assignment and related topics. As requested at that session (A/48/17, para. 301), the Commission will have before it a note by the Secretariat discussing the possible scope of work and possible topics with a view to determining the feasibility of unification work in cooperation with UNIDROIT.

(b) Cross-border insolvency

The Commission, at its twenty-sixth session (1993), considered a note by the Secretariat (A/CN.9/378/Add.4) indicating problems that arise in the area of cross-border insolvency from disparity of national laws. The Secretariat was requested to prepare for a future session an in-depth study on the desirability and feasibility of harmonized rules (A/48/17, para. 306). With the purpose of ascertaining those aspects of insolvency law that might lend themselves to harmonization, the Secretariat has organized jointly with the World Federation of Insolvency Practitioners (INSOL International) a colloquium (Vienna, 17-19 April 1994) the conclusions of which will be reported to the Commission in a note by the Secretariat (A/CN.9/398).

(c) Build, Operate and Transfer (BOT) arrangements

The Commission, as indicated at its twenty-sixth session, will have before it a note by the Secretariat reporting on the progress of the preparation by the United Nations Industrial Development Organization (UNIDO) of "Guidelines for the Development, Negotiation and Contracting of BOT Projects" and considering possible future work by the Commission in that area (A/CN.9/399).

Item 10. ICC Uniform Customs and Practice for Documentary Credits (UCP 500)

The Commission will have before it a note containing a request by the International Chamber of Commerce that the Commission consider recommending the use in international trade of the 1993 revision of UCP, as was done in respect of the 1962, 1974 and 1983 revisions (A/CN.9/395).

Item 11. Status and promotion of UNCITRAL legal texts

The Commission will have before it a note by the Secretariat (A/CN.9/401) concerning the present status of the Convention on the Limitation Period in the International Sale of Goods (New York, 1974); United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg); United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980); Protocol amending the Convention on the Limitation Period in the International Sale of Goods (Vienna, 1980); United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988); United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 1991); Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); and the UNCITRAL Model Law on International Commercial Arbitration.

The Commission may wish to discuss the implications of the entry into force on 1 November 1992 of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules).

Item 12. Training and assistance

The Commission will have before it a note by the Secretariat on this subject (A/CN.9/400).

Item 13. General Assembly resolutions on the work of the Commission

The Commission may wish to take note of General Assembly resolution 48/32 of 9 December 1993 on the report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session. Copies of the resolution and the report of the Sixth Committee (A/48/613) will be made available at the session.

Item 14. Other business

The Commission will have before it a bibliography of recent writings related to the work of the Commission (A/CN.9/402).

Introductory notes prepared by the Secretariat on the UNCITRAL Model Law on International Credit Transfers, on the United Nations Convention on the Liability of Operators of Transport Terminals in International Trade and on the United Nations Convention on International Bills of Exchange and International Promissory Notes are contained in documents A/CN.9/384, 385 and 386, respectively.

Item 15. Date and place of future meetings

(a) Twenty-eighth session

The twenty-eighth session will be held at Vienna. Arrangements have been made for the session to be held from 2 to 26 May 1995.

(b) Sessions of Working Groups

(i) Working Group on Electronic Data Interchange

The twenty-eighth session of the Working Group will be held at Vienna from 3 to 14 October 1994. Arrangements have been made for the twenty-ninth session to be held in New York from 27 February to 10 March 1995.

(ii) Working Group on International Contract Practices

The twenty-second session of the Working Group will be held at Vienna from 19 to 30 September 1994. Information regarding dates available for the sessions in 1995 will be supplied by the Secretariat.

(iii) Working Group on the New International Economic Order

Information regarding dates available for future sessions in 1994 and 1995 will be supplied by the Secretariat.

Item 16. Adoption of the report of the Commission

The General Assembly, in paragraph 10 of resolution 2205 (XXI), decided that the Commission should submit an annual report to the General Assembly, and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Under a decision of the Sixth Committee (A/7408, para. 3), the report of the Commission is introduced to the General Assembly by the Chairman of the Commission or by another officer of the Bureau designated by the Chairman.

III. SCHEDULING OF MEETINGS

There will be 13 working days available for consideration of the agenda items at the session. No meeting will be scheduled for Thursday, 16 June, to enable the Secretariat to prepare the draft report. Friday, 17 June, will be reserved for the adoption of the report.

Meeting hours will be from 10.00 to 13.00 and 15.00 to 18.00, except on Tuesday, 31 May, when the meeting will commence at 10.30.

The Secretariat would recommend that the agenda items be taken up in numerical order and that the Commission anticipate devoting the first five days of the session (after agenda items 1 to 3) to agenda item 4 (Procurement) and the next four days to agenda item 5 (International commercial arbitration), with the possibility of spending additional time on Monday, Tuesday or Wednesday of the third week if necessary to complete the discussion on agenda item 4 or 5. Otherwise, agenda items 6 through 15 would be taken up on those days in the third week.

IV. MEETING OF NATIONAL CORRESPONDENTS

Since the twenty-second session of the Commission it has become customary to hold, in conjunction with Commission sessions, meetings of the National Correspondents for the case collection system referred to under agenda item 8. It is planned that the National Correspondents will meet on Thursday, 16 June, when no meeting of the Commission has been scheduled, and possibly on Friday, 17 June, after the adoption of the report by the Commission. Further information concerning the scheduling of the meeting of National Correspondents will be communicated during the session.